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10
11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**
13

14 ANGELO ESTRADA,)	CIVIL NO. 2:24-cv-00185-JDP
15 Plaintiff,)	
16 v.)	STIPULATION TO VOLUNTARY
17 MARTIN O'MALLEY,)	REMAND PURSUANT TO SENTENCE
Commissioner of Social Security, ¹)	FOUR OF 42 U.S.C. § 405(g) AND TO
18 Defendant.)	ENTRY OF JUDGMENT; PROPOSED
)	FINDINGS AND RECOMMENDATIONS
)	
)	

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20
21 IT IS STIPULATED by and between Plaintiff ("Plaintiff") and Defendant Martin
22 O'Malley, Commissioner of Social Security ("Defendant"), through their undersigned counsel
23 of record, that the above-entitled action shall be remanded to the Commissioner of Social
24 Security for further administrative proceedings.
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27 ¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023.
28 Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 On remand, the Commissioner will develop the record as necessary; reconsider all
2 relevant issues; offer the claimant the opportunity for a new hearing; and issue a new decision.
3 The parties further request that the Court direct the Clerk of the Court to enter a final judgment
4 in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

5 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the
6 Social Security Act, 42 U.S.C. 405(g).

7
8 Dated: June 5, 2024

/s/ Kevin Heitke*

KEVIN HEITKE

Attorney for Plaintiff

*Authorized via e-mail on June 5, 2024

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By: /s/ Noah Schabacker

NOAH SCHABACKER

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19 **~~{PROPOSED}~~ FINDINGS AND RECOMMENDATIONS**

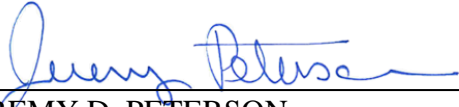
20 Accordingly, IS HEREBY ORDERED that the Clerk of Court assign a district judge to
21 this matter.

22 Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of
23 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand"), and for cause shown,
24 **IT IS HEREBY RECOMMENDED** that the above-captioned action is remanded to the
25 Commissioner of Social Security for further proceedings pursuant to the fourth sentence of
26 Section 205(g) of the Social Security Act, 42 U.S.C. 405(g).
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1 These findings and recommendations are submitted to the United States District Judge
2 assigned to the case, pursuant to 28 U.S.C. § 636(b)(1) and Rule 304 of the Local Rules of
3 Practice for the United States District Court, Eastern District of California. Within fourteen days
4 of service of these findings and recommendations, any party may file written objections with the
5 court and serve a copy on all parties. Such document should be captioned “Objections to
6 Magistrate Judge’s Findings and Recommendations.” Any response shall be served and filed
7 within fourteen days of service of the objections. The parties are advised that failure to file
8 objections within the specified time may waive the right to appeal the District Court’s order.
9 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th
10 Cir. 1991).

11 IT IS SO ORDERED.

12
13 Dated: June 14, 2024



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE